

## DEPARTMENT OF THE ARMY PERMIT

**Permittee:** The General Public  
**Permit No.:** GP-001-WI  
St. Paul District  
**Issuing Office:** U.S. Army Corps of Engineers

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

### **Project Description:**

Work for specified activities (listed below) permitted, authorized or approved by the Wisconsin Department of Natural Resources.

### **Project Location:**

The project worksites are located in various waters of the United States within the State of Wisconsin, except those listed on pages 5 and 6.

### **How To Apply For Authorization Under This General Permit:**

Applicants may apply for authorization under this permit (GP) by submitting a joint application form to either the Corps of Engineers or the Wisconsin Department of Natural Resources (WDNR). However, due to a coordination agreement between the two agencies, it is preferable to submit the application to the WDNR. The WDNR will then forward the application, along with its recommendation, to the Corps. Applicants may proceed with the activity upon receipt of WDNR approval and after 20 days from the date of the Corps confirmation letter.

### **Specific Activities Permitted By This General Permit:**

- a. **DOCKS, PIERS, AND WHARFS** - Temporary and/or permanent structures extending waterward from the shore with water on both sides, or extending along the shore and generally connected with the uplands throughout their length; and built or maintained for the purpose of providing a berthing or mooring place for watercraft or for loading or unloading cargo or passengers. The structure must be regulated by the WDNR under Wisconsin Statute 30.12 or 30.13. Structures attendant to a dock, pier or wharf such as a boat hoist, marine railway or pile cluster are also authorized by this GP. However, structures attendant to fleeting of barges are not authorized by this GP.
- b. **BOAT RAMPS** - A structure or fill constructed of gravel, natural rock, concrete steel matting or other durable non-organic material at a water's edge, to facilitate the launch or retrieval of watercraft; provided this structure or fill is regulated by the WDNR under Wisconsin Statute 30.12, 30.19 or 30.20.
- c. **INSTALLATION AND REMOVAL OF SUBMERGED UTILITY LINE CROSSINGS OF NAVIGABLE WATERS OF THE UNITED STATES** - A utility line is any pipe or pipeline for the transportation of any gaseous, liquid, liquefiable, or slurry substance, for any purpose; and any cable, line or wire for the transmission for any purpose of electrical energy, telephone and telegraph messages, and radio and television communication; provided this submerged utility line crossing is regulated by the WDNR under Wisconsin

Statute 30.20 or 182.017, and the following special conditions are met:

1. Utility lines placed across the channel of an authorized Federal navigation project must be embedded at least 6 feet below the authorized channel depth, or to a lesser depth if approved by the Corps of Engineers.
2. Dredged or fill material may be placed as backfill or bedding, if regulated by the WDNR, so long as there is no change in preconstruction bottom contours. Excess fill must be removed to an upland disposal area.
3. The utility line must not be placed within 500 feet of a levee or floodwall constructed and /or maintained with Federal funds.
4. Utility crossings involving pipelines must comply with Federal Department of Transportation regulations for installation of pipelines.
5. All utility lines transporting oil, gas, or other pollutive substances must be equipped with shutoff valves at the upland edge of the water crossing to prevent unnecessary pollution of waters in the event of pipeline failure.

d. SAND BLANKETS - A layer of sand and/or pea gravel spread on the bed of a lake, usually in shoreline areas. This also authorizes the placement of fill in conjunction with the installation of fabric screens for control of aquatic vegetation. This layer extends channelward (waterward) from the shoreline and makes the lake bottom more suitable for swimmers. To qualify for this permit, the activity must be regulated by the WDNR under Wisconsin Statute 30.12(3)(a)(1).

e. WILDLIFE HABITAT IMPROVEMENT ACTIVITIES - (Includes Ponds, Level Ditches, and Low-head Impoundments and Wisconsin Department of Natural Resources projects involving the removal of aquatic vegetation and the construction of nesting islands) - Wildlife habitat manipulation techniques (including blasting in wetlands unless prohibited by the State) employed in wetland and open water areas provide waterfowl habitat, furnish breeding and nesting sites, and increase the availability of aquatic food plants for waterfowl and furbearers. Level ditches are a series of level-grade ditches excavated in wetlands. Low-head impoundments are dikes or series of dikes constructed in a wetland area to intercept and retain surface flows. Ponds and impoundments should be constructed with irregular shorelines, shallow horizontal to vertical sideslopes (e.g., 8-foot H to 1-foot V), and a shallow water depth (2 to 3 feet) with a maximum depth of 5 feet over 25 percent of the pond surface. The primary purpose of this activity must be oriented to wildlife habitat improvement. The permit area may not be harvested for agricultural purposes, grazed by domestic livestock, used as a source of irrigation water, used as a dumping area or outlet for draining other wetlands, drained, burned, filled, clipped or used in a manner that would destroy its wetland character or wildlife value. The permit area may not be used as a part of a cranberry operation. Level ditches may not have an inlet or outlet. To qualify for this permit, the activity must be regulated by the WDNR under Wisconsin Statute 30.124, 30.19, 30.20, 31.05, 31.06 or 31.33.

f. FISH HABITAT STRUCTURES OR FILLS - (Includes rock reefs, fish cribs, artificial fish-spawning beds, boulder placement, bank cover, and deflectors) Rock reefs are created by the placement of rock in a selected pattern at a specific location as a fisheries management technique. Rock size, placement pattern, and location, will depend on project purpose (i.e., feeding stations, or to congregate fish for recreational fishing) and/or species of fish being managed. Fish cribs are usually box-like structures filled with brush and weighted down by rock or concrete blocks. Their main purpose is usually to improve angler success by providing structures where game fish would congregate. Artificial fish-spawning beds could be rock reefs as described above or they may consist of gravel, "astroturf," or other material placed on a lake or streambed to provide spawning habitat, or they may be any of a number of different types of egg incubation chambers (chambers filled with hatchery or stripped fish eggs and placed at or near the bed of a lake or stream).



Boulder placement is normally associated with the fast-flowing streams to provide trout cover and to scour silt from the stream bottom. Bank covers are structures to provide trout with streambank cover. The banks are faced with rock to prevent erosion. Bank covers are placed just under the water surface for aesthetics and to increase the life-span of wood planks. Deflectors are generally constructed of rocks and soil and built in roughly a triangular shape. They are used to modify the current in streams to increase channel velocity and depth. They are placed alternately on each side of the stream to conduct the current in a sinuous course. The use of fly-ash material is not permitted, and lumber or logs, if used must not have been treated with creosote. To qualify for this permit the activity must be regulated by the WDNR under Wisconsin Statute 30.12(3)(a)(2) and/or 30.12(3)(a)(4).

g. FISH BARRIERS - Structures placed to prevent the upstream movement of fish (normally rough fish), often associated with impoundment structures. To qualify for this permit the activity must be regulated by the WDNR under Wisconsin Statute 30.12, 31.02, 31.05, 31.06 or 31.18.

h. COFFERDAMS OR CAISSONS - Temporary dam-like structures or fills constructed around an excavation or construction area to exclude water. This also applies to Wisconsin Department of Transportation (WDOT) projects reviewed by the WDNR according to established liaison procedures under Wisconsin Statute 30.12(4) provided WDNR conditions or restrictions are incorporated into the project. To qualify for this permit the activity must be regulated by the WDNR under Wisconsin Statute 30.12, 30.123 and/or 30.20.

i. DREDGING - The removal by suction, scooping or scraping devices, of materials channelward of the ordinary high-water mark from navigable waters of the United States (list attached) provided that the dredging is regulated by the WDNR under Wisconsin Statute 30.20, 30.203, or 30.124 and all dredged materials are placed on an upland site (not wetland, and above the ordinary high-water mark), or used for the construction of a specified activity authorized by this GP.

j. WING DAMS AND DEFLECTORS - Structures or fills designed to divert the flow of a stream to maintain a stream channel with desired flows and depths and to prevent or reduce erosion. These devices may not have protrusions that would catch debris. They should permit water to flow over them at the above normal water level and should slope upward toward the bank (if connected to the bank) to prevent scouring. To qualify for this permit the activity must be regulated by the WDNR under Wisconsin Statute 30.12.

k. GROINS - Shore protection structures built (usually perpendicular to the shoreline) to trap littoral drift or retard erosion of the shore, provided this activity is regulated by the WDNR under Wisconsin Statute 30.12.

l. BREAKWATERS - An offshore barrier, sometimes connected with the shore at one or both ends, that breaks the force of waves and affords shelter from wave action to shipping and marine structures. They may only be constructed of large loose rock, piling, or concrete blocks. To qualify for this permit, the structure must be regulated by the WDNR under Statute 30.12.

m. JETTIES - An obstruction built of piles, rock or other material extending into a stream or lake from the bank or shore, and so placed as to induce scouring or bank building or to protect against erosion or to protect a harbor. To qualify for this permit, the structure must be regulated by the WDNR under Wisconsin Statute 30.12.

n. FORDS - The placement of crushed rock or gravel reinforced concrete planks, adequately-secured timbers, cast-in-place concrete or similar material on the bed of a river or stream for the purpose of developing a ford if an equal amount of material is removed from the stream bed; provided the activity is regulated by the WDNR under Wisconsin Statute 30.12(3)(a)(4).

o. BRIDGE AND CULVERT IMPROVEMENT OF REPLACEMENT - Fill placed in wetlands and waterbodies in conjunction with the improvement or replacement of bridge and culvert crossings for municipal,

township, county, state or Federal projects. The replacement of historic bridges must be coordinated with the State Historic Preservation Office. In addition, the existing structure must be removed and the replacement must be constructed on the same or similar alignment with hydraulic capacity that is consistent with the state and Federal regulations and requirements. The placement of fill material into wetlands is authorized for the widening of the road approaches to conform with the width or alignment of the new structure. All excess material must be placed at an upland location. This General Permit does not authorize projects involving a channel change. To qualify for this permit, the structure (including Trans. 207 projects), must be regulated in its entirety by the WDNR under Wisconsin Statute 30.10, 30.12, 30.123 or 30.23. This authorization applies to Wisconsin Department of Transportation projects reviewed by the WDNR according to established liaison procedures under Wisconsin Statute 30.12(4) provided WDNR conditions or restrictions are incorporated into the project.

p. REMOVAL OF STRUCTURES - The removal of any structures from a waterbody. The term "structure" shall include but not be limited to any pier, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, permanent mooring structure, power transmission line support, permanently moored floating vessel, piling, or aid to navigation. The removal of a structure may include removal of a minimal amount of material provided the entire activity has been reviewed and approved by the WDNR.

q. FILLS ASSOCIATED WITH HIGHWAY IMPROVEMENTS - Highway improvement projects that include reconditioning the roadbed, shoulder and pavement widening and resurfacing. This GP may not be used for projects that include addition of a new lane or lanes. The project must be in compliance with the WDOT/WDNR liaison procedure under Wisconsin Statute 30.12(4). The total wetland fill area must not exceed 2 acres and compensatory mitigation will be performed to offset lost wetland values and functions.

r. WATER CONTROL STRUCTURES - Work or placement of fill material in waterbodies to construct structures designed to stabilize the water levels of a waterbody. This general permit authorizes any fill or structure which allows artificial manipulation of water levels, except those which create a water head exceeding 6 feet in height, or impound more than 15 acre-feet of water. The project must be regulated by Wisconsin Statute 31.12 or 31.33.

s. DRY FIRE HYDRANTS - Placement of an intake structure and pipe in or on the bed and banks of waterbodies for the purpose of constructing a dry fire hydrant to supply water for fire fighting purposes. The project must be regulated by Wisconsin Statute 30.12 and/or 30.20.

t. AERATION SYSTEMS - Placement of perforated plastic piping or similar aeration devices on the bed of waterbodies to prevent fish winterkill conditions or protect structures from ice damage. Barricading of open water areas in the ice must comply with S. 167.26, Wi. Stats.. The project must be regulated by Wisconsin Statute 30.12 and/or 30.20.

u. WILDLIFE HABITAT ENHANCEMENT STRUCTURES - Placement of loon nesting platforms, wood duck houses, osprey nesting platforms or similar structures on the bed of navigable waters of the United States (list attached) for the purpose of enhancing wildlife habitat. The project must be regulated by Wisconsin Statute 30.12.

(Note: The activities listed above may be combined and still meet the provisions of this general permit. For example: a harbor project requiring dredging, jetties, cofferdams, or caissons, bank stabilization, piers, wharves, and boat ramps could be covered by this General Permit provided the activities individually and in combination meet all appropriate criteria.)



**Permit Conditions:**

**General Conditions:**

1. The time limit for completing the work authorized ends on December 31, 2003 . If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archaeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

**Special Conditions:**

1. The following Activities are Excluded from this General Permit:
  - a. Activities behind state-approved bulkhead lines or in lakebed grant areas.
  - b. Activities denied by any agency or municipality having permitting authority.
  - c. Activities which do not conform to an approved land-use plan, (e.g., Regional 208 planning documents, municipal wetland protection and management plans, tribal ordinances, etc.).
  - d. Activities which would have more than a minimal effect on the quality of the human environment.
  - e. Fills for industrial, commercial, or residential development, or fills for associated general landscaping (lawns, gardens, parking lots, etc.)
  - f. Activities in or affecting components of a designated Federal Wild and Scenic River System, including:

St. Croix River - from dam near Gordon, Wisconsin, downstream to its confluence with the

Mississippi River.

Namekagon River - from Lake Namekagon downstream to its confluence with the St. Croix River.

Wolf River - from the Langlade-Menominee County line downstream to Keshena Falls, Menominee County, Wisconsin.

- g. Activities on Federal lands unless performed by, or approved or authorized by, the administering (managing) agency.
  - h. Activities that would have an adverse effect on navigation (if considered unacceptable by the Corps).
  - i. Activities that may have an effect on Federally-listed endangered or threatened wildlife or plants, or their critical habitat.
  - j. Activities causing interstate conflicts concerning alternative uses of available aquatic resources.
  - k. Activities normally regulated by the WDNR but that are exempt under Wisconsin Statute.
  - l. Activities involving the excavation or discharge of material containing toxic or hazardous pollutants in concentrations sufficient to invoke applicable provisions of the Toxic Substances Control Act or the Resource Conservation and Recovery Act.
  - m. Activities in which the WDNR's decision to permit the activity is overturned by a hearing examiner or court of law.
2. If the proposed activity would occur in a hydroelectric project water, the applicant must obtain Federal Energy Regulatory Commission approval, if required.
3. Any and all special conditions, best management practices or limitations stipulated by the WDNR become mandatory requirements of this general permit.
4. In addition to the above conditions, this general permit is subject to the following standard conditions, as applicable:
- a. All work or discharges to a watercourse resulting from permitted construction activities, particularly hydraulic dredging, must meet applicable Federal, State, and local water quality and effluent standards on a continuing basis.
  - b. Measures must be adopted to prevent potential pollutants from entering the watercourse. Construction material and debris, including fuels, oil, and other liquid substances, will not be stored in the construction area in a manner that would allow them to enter the watercourse as a result of spillage, natural runoff, or flooding.
  - c. If dredged or excavated material is placed on an upland disposal site (above the ordinary highwater mark), the site must be securely diked or contained by some other acceptable method that prevents the return of potentially polluting material to the watercourse by surface runoff or by leaching. The containment area, whether bulkhead or upland disposal site, must be fully completed prior to placement of any dredged material.



d. Upon completion of earthwork operations, all exposed slopes, fills and disturbed areas must be given sufficient protection, by appropriate means such as landscaping, or planting and maintaining vegetative cover, to prevent subsequent erosion.

e. All fill (including riprap), authorized under this permit must consist of suitable material free from toxic pollutants in other than insignificant trace quantities. In addition, rock or fill material used for activities dependent upon this permit and obtained by excavation must either be obtained from existing quarries or, if a new borrow site is opened, the State Historic Preservation Officer (SHPO) must be notified prior to use of the new site. Evidence of this consultation with the SHPO will be forwarded to the St. Paul District Office.

f. If cultural, archaeological, or historical resources are unearthed during activities authorized by this permit, work must be stopped immediately and the State Historic Preservation Officer must be contacted for further instruction.

g. An investigation must be made to identify water intakes or other activities that may be affected by suspended solids and turbidity increases caused by work in the watercourse, and sufficient notice must be given to the owners of property where the activities would take place to allow them to prepare for any changes in water quality.

h. A contingency plan must be in writing and kept on the site that would be effective in the event of a spill. This requirement is particularly applicable in operations involving the handling of petroleum products. If a spill of any potential pollutant should occur it is the responsibility of the permittee to remove such material, to minimize any contamination resulting from this spill, and to immediately notify the Wisconsin Department of Natural Resources at (608) 266-3232 and the U.S. Coast Guard at telephone number 800-424-8802.

#### **Further Information:**

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(x) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(x) Section 404 of the Clean Water Act (33 U.S.C. 1344).

( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted

activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

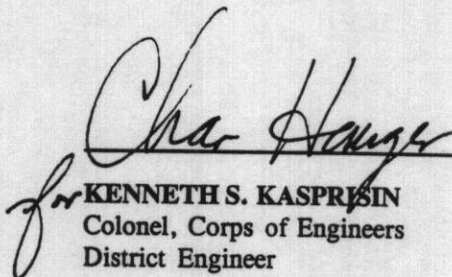
b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

  
for **KENNETH S. KASPRISIN**  
Colonel, Corps of Engineers  
District Engineer

12-23-98

(DATE)



# NAVIGABLE WATERS OF THE UNITED STATES WITHIN THE STATE OF WISCONSIN

<u>NAME OF WATERWAY</u>	<u>HEAD OF NAVIGABILITY</u>
Ahnapee River (Algoma Harbor)	Two miles above 4th Street bridge at Algoma, WI between secs 15 & 16, T. 25N., R. 25E.
Bad River	Navigable from the mouth to mile 23.
Black River	Navigable throughout.
Bois Brule River	Navigable throughout.
Chippewa River	Navigable throughout.
Duck Creek	2.7 miles above mouth to the Chicago and Northwestern railroad tracks.
East River	Fixed highway bridge at Baird Street, 1.35 miles above mouth.
East Twin River	Approximately 3 miles above mouth between secs 23 and 26, T. 20N., R. 24E.
Fox River (includes Little Lake Butte des Morts)	To its juncture with the Wolf River.
Green Bay	Navigable throughout.
Kewaunee River	Kewaunee Harbor to 6.5 miles above mouth between secs 14 and 23, T. 23N., R. 24E.
Kinnickinnic River (Milwaukee Harbor)	Fixed bridge at Lincoln Avenue, 2.12 miles above mouth.
Lake Butte des Morts	Navigable throughout.
Lake Michigan	Navigable throughout.
Lake Poygan	Navigable throughout.
Lake Superior	Navigable throughout.
Lake Winnebago (includes Fond du Lac, Stockbridge, Brothertown, and Calumet Harbors)	Navigable throughout. Fond du Lac River to Scott Street bridge, U.S. 41 and 45.
Lake Winneconne	Navigable throughout.
Little Suamico River	Point 2,500 feet above mouth in NE 1/4 NE 1/4 sec. 30, T. 26N., R. 21E.
Manitowoc River (Manitowoc Harbor)	Fixed railroad bridge above 21st Street, 2.37 miles above mouth.
Menominee River	Lower dam, Menominee, WI 2.5 miles above mouth.

Menominee River (Milwaukee Harbor)	Fixed railroad bridge at Canal Street, 2.9 miles above mouth.
Milwaukee River (Milwaukee Harbor)	Fixed bridge at North Humbolt Blvd., approximately 2.9 miles above mouth.
Mississippi River	Navigable throughout Wisconsin to Prescott.
Namekagon River	Navigable throughout.
Nemadji River	Navigable from the mouth to mile 14.
Oconto River	Oconto Harbor, 1 mile above mouth, upper city wharf, sec. 20, T. 28N., R. 22E.
Pecatonica River	Main stem to mile 154.2 to mouth of Mineral Point Branch; State Highway 81 in Argyle, WI.
Pensaukee River (Pensaukee Harbor)	Fish wharves, 3/4 mile above mouth, in sec. 11, T. 27N., R. 21E.
Peshtigo River	Fish wharf, 1/4 mile above mouth, in secs. 13 & 14, T. 29N., R. 23E.
Port Washington	Navigable throughout.
Rock River	Mile 290 to Horicon.
Root River (Racine Harbor)	Fixed bridge at Milmine Road, approximately 2.38 miles above mouth.
Sheboygan River (Sheboygan Harbor)	Railroad bridge below New Jersey Ave., approximately 2.38 miles above mouth.
St. Croix River	Navigable to mouth of the Namekagon River.
Sturgeon Bay and Lake Michigan Ship Canal	Navigable throughout.
Suamico River (Big Suamico River)	Carp Pond, 2 miles above mouth in sec. 23, T. 25N., R. 20E.
Thornapple River	Navigable throughout.
West Twin River (Two Rivers Harbor)	7 miles above mouth, in between secs. 19 & 30, T. 20N., R. 24E.
White River	Navigable throughout.
Wisconsin River	Navigable from the mouth to Tomahawk, Wisconsin (mile 330).
Wolf River	Leeman bridge (County Highway F) near Leeman, 96.2 miles above Main Street bridge at Oshkosh.